

**Proposed Regulatory Changes  
For Disciplinary Investigations  
Involving Certified Rangeland Managers**

**Includes addition of 14 Cal. Code Regs., § 1650.1  
and related amendment to 14 Cal. Code Regs., § 1650(c)**

***RATIONALE***

- Increased accountability to the public; clear and transparent process.
- Consistent with process for Registered Professional Foresters contained in formal regulations.
- Consistent with Department of Forestry and Fire Protection statutes and Administrative Procedure Act.
- Eliminates Underground Regulations.
- Maintains an appropriate role for Cal-Pac Section, Society for Range Management in disciplinary recommendations to State Board of Forestry and Fire Protection.
- Role of Board of Forestry and Fire Protection
  - Initial complaints filed with Board; transfers to Cal-Pac as appropriate
  - After Cal-Pac review, Board makes final determination and notices decision as “Final Action.” Potential actions pursuant to Pub. Res. Code §§ 776, 777:
    - Exoneration
    - Letter documenting complaint
    - Private reprimand
    - Stipulated agreement
    - Charges brought to revoke or suspend license in form of an Accusation.
- Clarifies potential for input and initiation of appeal for both the Certified Rangeland Manager and the complainant.
- Upon exhaustion of these administrative procedures and notice of Final Action by Board, the complainant or the subject of the complaint may appeal the Board’s decision in the superior court.

## 1650. Specialties.

(a) As an alternative to being registered as a RPF, any person qualified pursuant to this Article is eligible for certification in a specialty. Both RPFs and non-RPFs are eligible for certification in a specialty. Only a person registered as a Certified Specialist may use ~~this~~the title of that specialty.

A certificate in each specialty created will be issued by the Board pursuant to the standards contained in Section 772 of the Code. Specialties will be created by regulation as the need arises.

(b) To protect the public interest, the following certified specialties shall be implemented and overseen by the Executive Officer, with the assistance of the Examining Committee:

(1) Certified Rangeland Management Specialty

(c) For independent certification programs submitted by a professional society or public agency pursuant to Section 772 of the Code, the following process shall apply:

(1) When a professional society or public agency establishes an internal certification panel for any or all of the following purposes: reviewing an applicant's qualifications, administering an examination to evaluate an applicant's professional understanding, awarding certifications, and reviewing allegations of misconduct, ~~and administering discipline~~; the panel members shall have first been certified by the Board as meeting the professional qualifications and standards for that Certified Specialty before undertaking their responsibilities pursuant to this Section.

The certification of the panel members may be done by a subcommittee of the PFEC appointed by the Board and composed of resource professionals in good standing representing a broad cross section of employment and expertise in that specialty. All subsequent panel members shall also be certified in this manner.

(2) ~~The PFEC shall be notified by the appropriate society or public agency of Any disciplinary action against any Certified Specialist who is guilty of violations of professional standards and issued discipline pursuant to the respective certification program. The Certified Specialists shall be subject to disciplinary actions by the Board as defined in this chapter for violation of those standards, or for violation of those standards promulgated by the Board pursuant to Section 778 of the Code.~~ shall be conducted pursuant to Title 14 of the California Code of Regulations, Section 1650.1.

(3) The PFEC shall be notified of any proposed actions to be taken by a professional society or public agency which may affect the specialty certification program of the society or public agency, including but not limited to modification of the requirements for certification or professional accountability. Any ~~modification~~modifications to a specialty certification program must be approved by the PFEC prior to implementation or the program may be rejected by the Board. The modifications shall not significantly alter the qualifications and accountability within the original certification.

(4) Prior to March 1 of each calendar year, those Professional Societies and public agencies with independent certification programs shall submit to the PFEC a report which describes the previous calendar year accomplishments of the certification program, including but not limited to the number of applicants for certification, the approvals, denials, and copies of examinations, ~~and a summary of disciplinary actions~~, to insure the program fully protects the public interest. Each annual report shall describe the scope of the internal certification panel's authority in relation to the duties set forth in subsection (c)(1) and provide an assessment of the performance of those duties over the previous calendar year. Failure to submit the report ~~may~~shall result in a ~~full~~ review by the PFEC at a duly noticed and public hearing by December 31 of the calendar year, which may result in the rejection of the Certification program by the Board.

(d) All Certified Specialists are subject to annual registration and fees for renewal of Specialty Certificates pursuant to 14 CCR, Sections 1605 and 1607.

**1651. Certified Rangeland Management Specialty.**

(a) A “Certified Rangeland Manager (CRM)” is a person who provides services pursuant to 14 California Code of Regulations (CCR) 1602, at the request of the landowner or hiring agent, relating to the application of scientific principles to the art and science of managing rangelands and range. A Certified Rangeland Manager shall perform professional services only in those subjects in which he or she is competent by training and experience.

(b) When a CRM is providing range management services related to the production of forage and livestock on forested landscapes, a RPF shall be consulted if there are potential impacts on related forest resources.

(c) Qualifications as a Certified Rangeland Manager may be achieved by submitting evidence of certification by the California Section of the Society for Range Management (CA-SRM) as a Certified Rangeland Manager pursuant to its “Program for Certification of Professional Rangeland Managers” (PCPRM) dated June 5, 1992 and amended on November 4, 1993.

#### 1650.1 Disciplinary Guidelines for Certified Specialists.

(a) A Certified Specialist licensed pursuant to Public Resources Code, section 772, including a Certified Rangeland Manager, shall be subject to disciplinary actions by the Board as defined in this chapter for violation of professional and/or ethical standards established by the professional society or a public agency, or for violation of those standards promulgated by the Board pursuant to Section 778 of the Code.

(b) Any person may file with the Board a written verified complaint involving the actions of any person licensed under an independent certification program established by a professional society or public agency, including a Certified Rangeland Manager pursuant to Title 14, California Code of Regulations, Section 1651, subdivision (a). Upon receipt of such complaint, the Board shall cause investigation to be made of the actions of the person licensed as a Certified Specialist. Such investigation shall not be limited to a review of submission of the materials submitted as part of the complaint. An internal certification panel formed pursuant to Title 14, California Code of Regulations, Section 1650, subdivision (c)(1) may, upon its own motion, file such complaint with the Board. The Board may, upon its own motion, cause investigation to be made of the actions of any person licensed as a Certified Specialist.

(c) The complaint must be accompanied by an affidavit setting forth the allegation or allegations upon which the complaint is based. A complaint must include:

- (1) The identity of the person who is the subject of the complaint, including his or her license number if known;
- (2) A description of the transaction or circumstances involved;
- (3) The date and place where the events occurred;
- (4) The identity and contact information of any other person or persons with knowledge of the events described;
- (5) A description of the loss, damage or other adverse consequences of the licensee's conduct;
- (6) Copies of pertinent portions of any plans, reports, correspondence, business records or other documents that support the complaint.

(d) The Board shall verify within 30 days of receipt of a complaint that the complaint is legally subject to possible disciplinary action pursuant to Public Resources Code section 778. The Board may request additional information from the complainant. Upon verification, the Board shall within 30 days cause all of the following to occur:

- (1) Transmit copies of the complaint, affidavit and supporting documentation to the internal certification panel and immediately direct that the members of the panel, PFEC, and Board conduct an internal assessment of potential bias and disclose in writing any potential conflicts of interest to the Board within 30 days; failure to conduct this assessment for bias shall result in the recusal of the panel. Upon receipt of the panel's written assessment for bias, the Board shall recuse any member of the panel, PFEC, or Board that it determines to hold a potential conflict of interest or bias that a reasonable person would consider to substantially interfere with the ability of the member's impartiality in making a recommendation or determination regarding the complaint;
- (2) Notify the certified specialist who is the subject of the complaint that a complaint was received and that the certified specialist will be permitted to submit a written response to the internal certification panel within 30 days of receipt of the notification;
- (3) Provide written acknowledgement of receipt of the complaint to the complainant.

(e) The identity of the complainant shall remain confidential throughout the investigation, except as may be required under law.

(f) The internal certification panel shall gather additional information as necessary in the course of the investigation. Either party to the complaint may submit additional information to the panel prior to action being recommended. The internal certification panel shall review all submitted information by the complainant and the certified specialist who is the subject of the complaint. The internal certification panel

shall be responsible for gathering evidence and shall complete its investigation within a reasonable time. The purpose of the investigation shall be to gather facts for consideration by the internal certification panel to recommend appropriate action.

During the investigation process, any member of the panel, the PFEC, or the Board that receives an ex parte communication from either the complainant or the subject of the complaint shall disclose the date, time, participants, and general nature of the communication (including any documents) to the other party within 10 days after the communication occurs. Failure to comply with this disclosure requirement shall result in the recusal of the member of the panel, PFEC, and Board that received the communication from further participation in the complaint process. Based on these ex parte disclosures, the Board shall recuse any member of the panel, PFEC, or Board that it determines to hold a potential conflict of interest or bias that a reasonable person would consider to substantially interfere with the ability of the member's impartiality in making a recommendation or determination regarding the complaint.

If all members of the internal certification panel have been recused, then the investigation shall be conducted by the Executive Officer or his designee; provided, however, that the Executive Officer or designee adheres to the process for bias assessment, recusal, and regulation of ex parte communications described in this subsection and subsection (d)(1).

(g) If the professional society charged with administering the certification program has established or adopted any standards of professional and/or ethical conduct or behavior, , such standards shall be considered in any investigation of a verified complaint and recommendation or determination thereon. In addition, statutory requirements set forth in Public Resources Code section 769 for good moral character, honesty, and integrity shall also be considered in any investigation of a verified complaint and recommendation or determination thereon.

(h) Pursuant to Public Resources Code, sections 776 and 777, appropriate actions for recommendation to the Board by the internal certification panel may include:

- (1) Exoneration, i.e., a determination that the evidence in the record does not warrant informal or formal disciplinary or enforcement action at the time and therefore formal disciplinary or enforcement action is not imminent;
- (2) Confidential letter to certified specialist stating concerns of Board;
- (3) Private reprimand;
- (4) Proposed stipulated agreement, imposing license suspension or revocation or probationary conditions for retaining license;
- (5) Licensing action in the form of an Accusation pursuant to Public Resources Code, section 776.

(i) The internal certification panel shall notify in writing the Board of the action recommended by the panel in response to the complaint, along with a statement of reasons and justifications for its recommendation, which shall include a discussion of facts in support of the recommendation. The internal certification panel shall provide the Board with all documents and information that the panel relied on or used to make the recommendation. The Board shall have discretion to gather further information, and to accept, modify, or reject the recommended action, pursuant to Public Resources Code, section 775, and the disciplinary guidelines contained in Title 14 of the California Code of Regulations, section 1612.1.

If the Board determines that the appropriate action is exoneration and if the complainant is not the internal certification panel or the Board, the Board shall notify the complainant of its determination, along with a statement of reasons and justifications for its determination, which shall include a discussion of facts in support of the determination, as well as disclosure of the panel's written recommendation. The Board's determination shall be supported by substantial evidence.

(j) Upon conclusion of a hearing on a licensing action in the form of an Accusation and receipt of a recommendation for Board action by an administrative law judge, the Board shall render the final decision relative to suspension or revocation of a license in accord with Government Code, section 11517. Pursuant to Government Code, section 11522, a licensee may petition the Board for reinstatement or reduction of penalty

after a period of not less than one year has elapsed from the effective date of the decision or from the date of the denial of a similar petition.

(k) The Board shall notify the subject of the complaint and the complainant of its determination, which shall constitute Final Action. Upon the Board's notice of Final Action, the complainant and subject of the complaint may pursue any available remedy under the law including appealing the decision to the superior court.

(l) Notification of disciplinary action shall proceed in accord with Title 14 of the California Code of Regulations, section 1612.2.